



## Notice of Service of Process

null / ALL  
Transmittal Number: 24775204  
Date Processed: 04/15/2022

**Primary Contact:** Venessa C. Wickline Gribble  
The Kroger Co.  
1014 Vine Street  
Cincinnati, OH 45202-1100

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<b>Entity:</b>	Harris Teeter Supermarkets, Inc. Entity ID Number 3323024
<b>Entity Served:</b>	Harris Teeter Supermarkets Inc
<b>Title of Action:</b>	Sajeev Cherian vs. Harris Teeter Supermarkets, Inc.
<b>Matter Name/ID:</b>	Sajeev Cherian vs. Harris Teeter Supermarkets, Inc. (12196721)
<b>Document(s) Type:</b>	Summons/Complaint
<b>Nature of Action:</b>	Personal Injury
<b>Court/Agency:</b>	Loudoun County Circuit Court, VA
<b>Case/Reference No:</b>	CL22-1843
<b>Jurisdiction Served:</b>	Virginia
<b>Date Served on CSC:</b>	04/13/2022
<b>Answer or Appearance Due:</b>	21 Days
<b>Originally Served On:</b>	CSC
<b>How Served:</b>	Personal Service
<b>Sender Information:</b>	Magner Law, PC 540-431-4400

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**To avoid potential delay, please do not send your response to CSC**

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COMMONWEALTH OF VIRGINIA



LOUDOUN CIRCUIT COURT  
Civil Division  
18 E MARKET ST/PO BOX 550  
LEESBURG VA 20178-0550  
(703) 777-0270

Summons

To: HARRIS TEETER SUPERMARKETS INC  
CORPORATION SERVICE COMPANY  
REGISTERED AGENT  
100 SHOCKOE SLIP  
2ND FLOOR  
RICHMOND VA 23219

Case No. 107CL22001843-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Wednesday, April 06, 2022

Clerk of Court: GARY M CLEMENS

by K. Waller  
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name: MAGNER, JAMES P  
6 WIRT STREET NW, 1ST FLOOR  
540-431-4400  
LEESBURG VA 20176

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR LOUDOUN COUNTY**

CHERIAN, Sajeev,

Plaintiff,

v.

Case No. CL22-1843

HARRIS TEETER SUPERMARKETS, INC.,  
SERVE: Corporation Service Company,  
Registered Agent  
100 Shockoe Slip, Fl 2  
Richmond, VA, 23219 – 4100

Defendant.

**CIVIL COMPLAINT**

COMES NOW the plaintiff, by and through the undersigned counsel, and issues this Civil Complaint, and for his complaint, states as follows:

**JURISDICTION and VENUE**

1. Plaintiff is a resident of the Commonwealth of Virginia now residing in Loudoun County, Virginia.
2. Defendant is a North Carolina corporation that is authorized to conduct business in the Commonwealth of Virginia, and which maintains grocery store locations throughout Loudoun County, Virginia.
3. The acts and omissions alleged herein occurred at the defendant's grocery store location in Aldie, Virginia.
4. The plaintiff claims damages herein in an amount in excess of the jurisdictional limit of the general district courts.
5. Based upon the foregoing, jurisdiction and venue are appropriate in the Circuit Court for Loudoun County.

FILED  
2022 APR -5 PM 1:23  
CIRCUIT COURT  
CLERKS OFFICE  
LOUDOUN COUNTY, VA

### **FACTS COMMON TO ALL COUNTS**

6. On November 08, 2021 the plaintiff entered the defendant's store located at 42015 Village Center Plaza, Unit No. 110, in Aldie, Virginia.

7. The plaintiff walked into the vegetable display section of the store upon entering.

8. The defendant regularly sprays the vegetables in that section with water.

9. Water overspray had leaked onto the floor by one of the vegetable display stands where it created a puddle.

10. The flooring within the store is colored white and is fairly shiny, making the water nearly impossible to see.

11. The plaintiff, not seeing the spilled water, slipped and fell.

12. The plaintiff hit his head and twisted his knee during the fall.

13. The plaintiff remained down on the floor and required the assistance of other shoppers who observed the incident.

14. The defendant's employees and managers did not come to the aid of the plaintiff.

15. The defendant's manager on duty, when alerted to the fall, told the plaintiff that he was fine and that he should get up and go home.

16. Another shopper, whose identity is unknown, called for an ambulance for the plaintiff, which arrived shortly thereafter.

17. When the plaintiff was helped to his feet so that he could leave with the ambulance, the back of his shirt was wet where he had fallen in the puddle.

18. The plaintiff suffered a severe concussion and a torn ligament in his knee, both of which required medical attention, hospitalization and ongoing treatment.

19. The plaintiff is employed as a federal counter terrorism agent, which job requires

him to perform highly physical tasks and for which he is required to regularly pass rigorous physical fitness testing.

20. As a result of the fall, the plaintiff was placed on “desk duty” at his job and, as of the filing of this suit, has not been returned to full duty.

21. If plaintiff is unable to return to full duty at his job, his career with the federal law enforcement agency will be severely impacted.

22. All other facts necessary to support each count are set forth therein, *infra*.

### **COUNT I. NEGLIGENCE**

23. The facts and allegations set forth in paragraphs 1 through 21 above are realleged and are incorporated herein as if each were set forth in its entirety, verbatim.

24. At the time of his fall in the Aldie Harris Teeter location, the plaintiff was an invitee of the defendant.

25. The defendant owed a duty to the plaintiff to ensure that the premises was reasonably safe and free of latent hazards that the defendant knew or should have had knowledge of, or to warn the plaintiff of the unsafe condition of the floor.

26. The water on the floor in the vegetable display area of the store constituted a latent hazard.

27. The defendant failed to either abate the unsafe condition or warn the plaintiff as to the presence of the unsafe condition.

28. The plaintiff had no way to know that the unsafe condition existed and could not therefore take care for his own safety.

29. The defendant’s failure to either abate the unsafe condition or warn the plaintiff as to the presence of the unsafe condition constitutes negligence.

30. As a direct and proximate result of the defendant's negligence, the plaintiff slipped and fell, resulting in physical injury to himself.

31. The plaintiff was damaged in the form of physical injury, medical costs and expenses, lost wages, and long-term harm to his law enforcement career, as well as pain, suffering and inconvenience.

WHEREFORE the plaintiff prays that this Court award him a judgment against the defendant in the amount of \$500,000.00, together with his costs and interest thereon.

**JURY DEMAND**

The plaintiff hereby demands that this case be tried by a jury.

Respectfully submitted:  
Sajeev Cherian  
By counsel:



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James P. Magner, Esq., VSB No. 45599  
Magner Law, PC  
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Leesburg, VA 20176  
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*Counsel for the Plaintiff*

COVER SHEET FOR FILING CIVIL ACTIONS  
COMMONWEALTH OF VIRGINIACase No. CL22-1843  
(CLERK'S OFFICE USE ONLY)

Loudoun County

Circuit Court

CHERIAN, Sajeev

v./In re:

HARRIS TEETER SUPERMARKETS, INC.

PLAINTIFF(S)

DEFENDANT(S)

I, the undersigned ☐ plaintiff ☐ defendant ☒ attorney for ☒ plaintiff ☐ defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

## GENERAL CIVIL

## Subsequent Actions

- ☐ Claim Impleading Third Party Defendant  
☐ Monetary Damages  
☐ No Monetary Damages  
☐ Counterclaim  
☐ Monetary Damages  
☐ No Monetary Damages  
☐ Cross Claim  
☐ Interpleader  
☐ Reinstatement (other than divorce or driving privileges)  
☐ Removal of Case to Federal Court

## Business &amp; Contract

- ☐ Attachment  
☐ Confessed Judgment  
☐ Contract Action  
☐ Contract Specific Performance  
☐ Detinue  
☐ Garnishment

## Property

- ☐ Annexation  
☐ Condemnation  
☐ Ejectment  
☐ Encumber/Sell Real Estate  
☐ Enforce Vendor's Lien  
☐ Escheatment  
☐ Establish Boundaries  
☐ Landlord/Tenant  
☐ Unlawful Detainer  
☐ Mechanics Lien  
☐ Partition  
☐ Quiet Title  
☐ Termination of Mineral Rights

## Tort

- ☐ Asbestos Litigation  
☐ Compromise Settlement  
☐ Intentional Tort  
☐ Medical Malpractice  
☐ Motor Vehicle Tort  
☐ Product Liability  
☐ Wrongful Death  
☒ Other General Tort Liability

## ADMINISTRATIVE LAW

- ☐ Appeal/Judicial Review of Decision of (select one)  
☐ ABC Board  
☐ Board of Zoning  
☐ Compensation Board  
☐ DMV License Suspension  
☐ Employee Grievance Decision  
☐ Employment Commission  
☐ Local Government  
☐ Marine Resources Commission  
☐ School Board  
☐ Voter Registration  
☐ Other Administrative Appeal

## DOMESTIC/FAMILY

- ☐ Adoption  
☐ Adoption – Foreign  
☐ Adult Protection  
☐ Annulment  
☐ Annulment – Counterclaim/Responsive Pleading  
☐ Child Abuse and Neglect – Unfounded Complaint  
☐ Civil Contempt  
☐ Divorce (select one)  
☐ Complaint – Contested\*  
☐ Complaint – Uncontested\*  
☐ Counterclaim/Responsive Pleading  
☐ Reinstatement – Custody/Visitation/Support/Equitable Distribution  
☐ Separate Maintenance  
☐ Separate Maintenance Counterclaim

## WRITS

- ☐ Certiorari  
☐ Habeas Corpus  
☐ Mandamus  
☐ Prohibition  
☐ Quo Warranto

## PROBATE/WILLS AND TRUSTS

- ☐ Accounting  
☐ Aid and Guidance  
☐ Appointment (select one)  
☐ Guardian/Conservator  
☐ Standby Guardian/Conservator  
☐ Custodian/Successor Custodian (UTMA)  
☐ Trust (select one)  
☐ Impress/Declare  
☐ Reformation  
☐ Will (select one)  
☐ Custody  
☐ Contest

## MISCELLANEOUS

- ☐ Appointment (select one)  
☐ Church Discipline  
☐ Conservator of Peace  
☐ Marriage Celebrant  
☐ Bond Forfeiture Appeal  
☐ Declaratory Judgment  
☐ Declare Death  
☐ Driving Privileges (select one)  
☐ Reinstatement pursuant to § 46.2-427  
☐ Restoration – Habitual Offender or 3<sup>rd</sup> Offense  
☐ Expungement  
☐ Firearms Rights – Restoration  
☐ Forfeiture of U.S. Currency  
☐ Freedom of Information  
☐ Injunction  
☐ Interdiction  
☐ Interrogatory  
☐ Judgment Lien-Bill to Enforce  
☐ Law Enforcement/Public Official Petition  
☐ Name Change  
☐ Referendum Elections  
☐ Sever Order  
☐ Taxes (select one)  
☐ Correct Erroneous State/Local  
☐ Delinquent  
☐ Vehicle Confiscation  
☐ Voting Rights – Restoration  
☐ Other (please specify)

☒ Damages in the amount of \$ 500,000.00 are claimed.

April 5, 2022

DATE

James P. Magner, Esq./Magner Law, PC

PRINT NAME

6 Wirt St., NW, First Floor, Leesburg, VA 20176

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

540-431-4400

jim@magnerlaw.com

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

☐ PLAINTIFF☐ DEFENDANT☒ ATTORNEY FOR☒ PLAINTIFF☐ DEFENDANT

\*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.